

EXHIBIT “B”

EXHIBIT “B-1”

2016-83911 / Court: 157

CAUSE NO. _____

ARTEMIO HERNANDEZ

§

IN THE DISTRICT COURT

VS.

§

OF HARRIS COUNTY, TEXAS

DAVID KENNER, ET AL.

§

_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR
DISCLOSURE AND FIRST SET OF INTERROGATORIES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Artemio Hernandez ("Plaintiff") complaining of David Kenner and Front Line Trucking, Inc. (collectively "Defendants"), and for cause of action would respectfully show unto this Honorable Court as follows:

I.**DISCOVERY CONTROL PLAN**

1.1 Pursuant to Rule 190.3 of the Texas Rules of Civil Procedure, Plaintiff designates this matter as a Level 2 case for discovery purposes.

II.**PARTIES**

2.1 Plaintiff is an individual who resides in Harris County, Texas.

2.2 Defendant, Front Line Trucking, Inc., is a foreign corporation doing business in the State of Texas, and may be served with process through its registered agent, Aladin Duzam, at 6316 W. Salto Sierra Way, West Valley, UT 84128.

2.3 Defendant, David Kenner, is an individual who may be served with process at his usual abode located at 1209 N. Main, Bountiful, UT 84010.

III.

VENUE

3.1 Venue is proper in Harris County, Texas, pursuant to § 15.002 of the Texas Civil Practice and Remedies Code in that this cause of action accrued in Harris County, Texas.

IV.

FACTS

4.1 This cause of action is brought by reason of injuries and damages suffered by Plaintiff as a result of a motor vehicle accident caused by Defendants at or near the 200 block of McCarty at or near the intersection of the 8500 block of Wallisville in Houston, Texas on or about February 2, 2015.

4.2 On or about that date, Plaintiff suffered personal injuries as a result of the above-mentioned motor vehicle accident.

4.3 Defendant, Front Line Trucking, Inc., is liable under the doctrine of respondeat superior.

V.

CAUSE OF ACTION

5.1 Plaintiff incorporates herein by reference Paragraphs 4.1 through 4.3, inclusive, for all purposes as if set forth verbatim.

5.2 This cause of action is brought under and by virtue of the laws of the State of Texas to recover those damages that Plaintiff is justly entitled to receive.

5.3 Plaintiff would show that nothing he did or failed to do caused the occurrence in question. On the contrary, the occurrence in question was proximately caused by the negligent acts and/or omissions of Defendants.

5.4 Plaintiff would further show that the following acts and/or omissions by Defendants were a direct and proximate cause of Plaintiff's damages:

- a. Failing to maintain a proper lookout;
- b. Failing to yield right of way;
- c. Driver inattention;
- d. Failure to apply his brakes;
- e. Failing to control vehicular speed under the circumstances;
- f. Negligent training; and
- g. Negligent supervision.

5.5 Each and every of the foregoing acts and/or omissions, taken singularly and/or in combination, constitute negligence which proximately caused injuries and damages to Plaintiff.

VI.

DAMAGES

6.1 At the time of trial of this cause, Plaintiff shall ask this Court to submit the following elements of damage for its consideration of what sum of money, if paid now in cash, would fairly and reasonably compensate him for said damages. These injuries and damages, which are a direct, proximate and/or producing result of Defendants' conduct, are as follows:

- a. Physical pain and suffering experienced by Plaintiff in the past and future which directly flowed from or are inferred to or presumed to flow from the accident and said injuries;
- b. The emotional pain, torment and suffering (mental anguish) that Plaintiff has experienced in the past;
- c. The emotional pain, torment and suffering (mental anguish) that Plaintiff will, in reasonable probability, experience in the future;
- d. Physical impairment, physical disfigurement and loss of physical ability in the

past and in the future suffered by Plaintiff;

e. Medical expenses incurred by Plaintiff in the past and in the future as a result of the Plaintiff's injuries which, in all reasonable medical probability, are reasonable in amount and necessary for the treatment of Plaintiff's injuries; and

f. Lost wages.

6.2 Plaintiff's damages are within the jurisdictional limits imposed upon this Court.

6.3 Plaintiff seeks monetary relief over \$200,000.00 but not more than \$100,000.00.

VII.

REQUEST FOR DISCLOSURE

7.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendants disclose within 50 days of the service of this request, the information or material described in Rule 194.2 of the Texas Rules of Civil Procedure.

IX.

FIRST SET OF INTERROGATORIES

9.1 Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendants answer the following Interrogatory within 50 days of the service of this request.

Interrogatory No. 1:

Identify by name, address and telephone number all person(s) and/or entity(ies) who were the employer(s) of Nicholas Lasane on October 6, 2014.

Answer:

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final proof thereof, Plaintiff have judgment against

Defendants, jointly and severally, for damages as described herein in a sum within the jurisdictional limits of the Court, that Plaintiff have pre- and post-judgment interest at the legal rate from date of entry until paid, costs of court and other and further relief, general and special, legal or equitable, to which Plaintiff may show himself to be justly entitled.

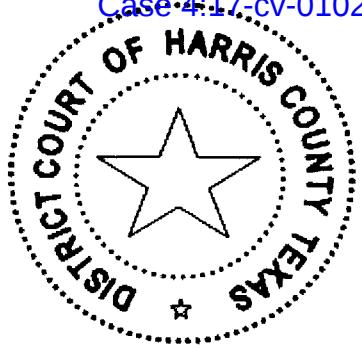
Respectfully submitted,

ADLEY LAW FIRM LTD, LLP

/s/ Gil Garza

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ATTORNEYS FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris
County, Texas certify that this is a true and
correct copy of the original record filed and or
recorded in my office, electronically or hard
copy, as it appears on this date.
Witness my official hand and seal of office
this April 3, 2017

Certified Document Number: 72982223 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

EXHIBIT “B-2”

CAUSE NO. 2016-83911

ARTEMIO HERNANDEZ § IN THE DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
DAVID KENNER, ET AL. § 157TH JUDICIAL DISTRICT

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION, REQUEST FOR
DISCLOSURE AND FIRST SET OF INTERROGATORIES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Artemio Hernandez ("Plaintiff") complaining of David Kenner a/k/a David Keener and Front Line Trucking, Inc. (collectively "Defendants"), and for cause of action would respectfully show unto this Honorable Court as follows:

I.

DISCOVERY CONTROL PLAN

1.1 Pursuant to Rule 190.3 of the Texas Rules of Civil Procedure, Plaintiff designates this matter as a Level 2 case for discovery purposes.

II.

PARTIES

2.1 Plaintiff is an individual who resides in Harris County, Texas.

2.2 Defendant, Front Line Trucking, Inc., is a foreign corporation doing business in the State of Texas, and may be served with process through its registered agent, Aladin Duzam, at 6316 W. Salto Sierra Way, West Valley, UT 84128, or wherever he may be found.

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4.2 On or about that date, Plaintiff suffered personal injuries as a result of the above-mentioned motor vehicle accident.

4.3 Defendant, Front Line Trucking, Inc., is liable under the doctrine of respondeat superior.

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CAUSE OF ACTION

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5.2 This cause of action is brought under and by virtue of the laws of the State of Texas to recover those damages that Plaintiff is justly entitled to receive.

5.3 Plaintiff would show that nothing he did or failed to do caused the occurrence in question. On the contrary, the occurrence in question was proximately caused by the negligent acts and/or omissions of Defendants.

5.4 Plaintiff would further show that the following acts and/or omissions by Defendants were a direct and proximate cause of Plaintiff's damages:

- a. Failing to maintain a proper lookout;
- b. Failing to yield right of way;
- c. Driver inattention;
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5.5 Each and every of the foregoing acts and/or omissions, taken singularly and/or in combination, constitute negligence which proximately caused injuries and damages to Plaintiff.

VI.

DAMAGES

6.1 At the time of trial of this cause, Plaintiff shall ask this Court to submit the following elements of damage for its consideration of what sum of money, if paid now in cash, would fairly and reasonably compensate him for said damages. These injuries and damages, which are a direct, proximate and/or producing result of Defendants' conduct, are as follows:

- a. Physical pain and suffering experienced by Plaintiff in the past and future which directly flowed from or are inferred to or presumed to flow from the accident and said injuries;
- b. The emotional pain, torment and suffering (mental anguish) that Plaintiff has experienced in the past;
- c. The emotional pain, torment and suffering (mental anguish) that Plaintiff will, in

reasonable probability, experience in the future;

d. Physical impairment, physical disfigurement and loss of physical ability in the past and in the future suffered by Plaintiff;

e. Medical expenses incurred by Plaintiff in the past and in the future as a result of the Plaintiff's injuries which, in all reasonable medical probability, are reasonable in amount and necessary for the treatment of Plaintiff's injuries; and

f. Lost wages.

6.2 Plaintiff's damages are within the jurisdictional limits imposed upon this Court.

6.3 Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.

VII.

REQUEST FOR DISCLOSURE

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Answer:

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final proof thereof, Plaintiff have judgment against Defendants, jointly and severally, for damages as described herein in a sum within the jurisdictional limits of the Court, that Plaintiff have pre- and post-judgment interest at the legal rate from date of entry until paid, costs of court and other and further relief, general and special, legal or equitable, to which Plaintiff may show himself to be justly entitled.

Respectfully submitted,

ADLEY LAW FIRM LTD, LLP

/s/ Gil Garza

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Houston, Texas 77002
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Telecopier: (713) 977-9050
Email: ggarza@adleylaw.com

ATTORNEYS FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris
County, Texas certify that this is a true and
correct copy of the original record filed and or
recorded in my office, electronically or hard
copy, as it appears on this date.
Witness my official hand and seal of office
this April 3, 2017

Certified Document Number: 73587618 Total Pages: 5

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

EXHIBIT “B-3”

CAUSE NO. 2016-83911

ARTEMIO HERNANDEZ
Plaintiff,

V.

DAVID KENNER AND
FRONTLINE TRUCKING, INC.
Defendants

§ IN THE DISTRICT COURT OF
§
§ HARRIS COUNTY, TEXAS
§
§ 157TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER

COME NOW, DAVID KENNER and FRONTLINE TRUCKING, INC., Defendants, and file this answer to Plaintiff's Petition and in that regard would respectfully show unto the Court as follows:

I.

Defendants generally deny the allegations of the petition and thus assert the privilege of having such allegations proved by a preponderance of the evidence.

II.

Defendants hereby assert their rights under the proportionate responsibility provisions of Chapter 33 of the Texas Civil Practice & Remedies Code.

III.

Defendants invoke Sec. 18.091 of the Texas Civil Practice and Remedies Code and request that to the extent that Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value, or a loss of inheritance, that the evidence to prove such loss must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability. Defendants further request that the Court instruct the jury as to

whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

IV.

Defendants invoke Sec. 41.0105 of the Texas Civil Practice and Remedies Code and request that to the extent Plaintiff seek recovery of medical or healthcare expenses incurred that the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendants further request the Court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of the Plaintiff.

V.

Defendants would show that to the extent Plaintiff suffered from pre-existing injuries, diseases and/or conditions at the time of the accident in question, these pre-existing injuries, diseases and/or conditions were not caused by or aggravated by the accident in question. To the extent any of Plaintiff's pre-existing injuries, diseases and/or conditions were aggravated by the accident in question, any damages recoverable by Plaintiff should be limited to those damages resulting from such aggravation. Defendants would further show that to the extent that Plaintiff suffered injuries, diseases and/or conditions and/or aggravations of same subsequent to the accident in question then any damages related thereto should not be recoverable from Defendants.

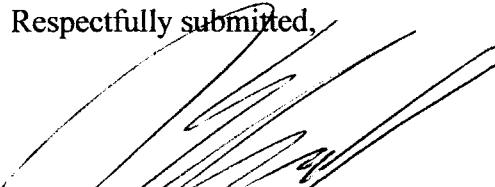
VI.

By way of further Answer, Defendants hereby give actual notice to each party Plaintiff, Intervenor and/or Defendants, if any, that any and all documents produced during discovery may be used against the party Plaintiff, Intervenor and/or Defendants, if any, and Defendants intend to

produce the documents at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Defendants, DAVID KENNER AND FRONTLINE TRUCKING, INC., pray that Plaintiff take nothing, that these Defendants be discharged and go hence with their costs without delay, and for all such other and further relief, both general and special, at law and in equity, to which these Defendants may be justly entitled.

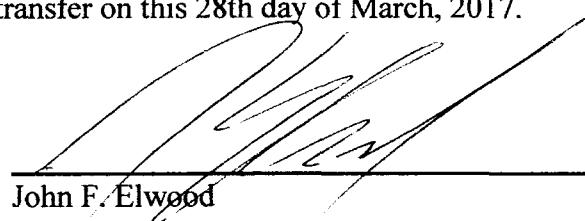
Respectfully submitted,



John F. Elwood
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Telephone: (713) 600-4700
Facsimile: (713) 600-0702
Email: elwood@rigbylaw.com
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all opposing counsel via fax, email, and/or by electronic transfer on this 28th day of March, 2017.



John F. Elwood



I, Chris Daniel, District Clerk of Harris
County, Texas certify that this is a true and
correct copy of the original record filed and or
recorded in my office, electronically or hard
copy, as it appears on this date.
Witness my official hand and seal of office
this April 3, 2017

Certified Document Number: 74444081 Total Pages: 3

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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